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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/986,087 | 11/07/2001 | Osamu Kawamae | 520.36525CX2 | 4764 |
| 24956 | 7590 | 03/24/2006 | EXAMINER | |
| MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314 | | | HOANG, THAI D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2616 | |

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/986,087 | KAWAMAE ET AL. | |
| | Examiner Thai D. Hoang | Art Unit 2668 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Amendment filed 01/04/2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 21-31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

HANH NGUYEN
PRIMARY EXAMINER

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-31 are rejected under 35 U.S.C. 102(b) as being unpatentable by Yoshinaka, US Patent No. 5,384,787.

Regarding claims 21, 26 and 30-31, Yoshinaka discloses a system called "Picture data recording apparatus and picture data reproducing apparatus". Yoshinaka discloses the system comprise a block 31, which serves to divide picture data into data frames data every block of 8x8 pixels, as shown in FIG. 2, with respect to picture data delivered from the A/D converter 2 to output picture data to which shuffling processing is implemented. See col. 5, lines 39-41, figures 1 and 2 (preparing data frames of said information data into which the additional information data are to be embedded). Also, Yoshinaka teaches that the coding processing unit 3 compresses picture data of 800x400 bytes/frames (fig. 2) to deliver to the recording data processing unit 4. In the recording data processing unit 4, the ID adding circuit 41 is supplied with picture data coded by the coding processing unit 3 and an identification code (ID) indicating its quantization step width is included in the ID signal added to the picture data. Both picture data and embedded ID are stored separately in the frame memory 42. Figs. 1-3 3, col. 6, lines 28-35 (embedding said additional information data plural times into said

data frame, repetitively and separately). Then, both ID data and picture data are transmitted to the recorder 5, fig. 1 (transmitting the information data embedded with the repetitive additional information data).

Regarding claims 22 and 28, Yoshinaka discloses a receiver for reproducing recorded data in figure 5. This reproducing system comprises a magnetic head 7 for receiving and tracing recording tracks of the recording medium 6 on which picture data is recorded by the picture data recording apparatus as shown in figure 1, col. 8, lines 7-11 (receiving the transmitted information data embedded with the repetitive additional information data therein). Also, the reproducing recorded data comprises an ID detector 85 detects an identification code (ID) which is embedded in the received data (detecting the repetitive additional information data embedded from said transmitted information data, determining said additional information data based on repetitiveness of the additional information data detected).

Regarding claims 24-25, Yoshinaka discloses the system relates to a picture data recording apparatus for recording picture data onto a recording medium such as a magnetic tape or an optical disk, etc. and a picture data reproducing apparatus for reproducing picture data recorded on the recording medium, col. 1, lines 7-12. Therefore, the recorded data comprises video, audio and other embedded data (wherein said information data includes at least one of video data, audio data and text data.)

Regarding claims 27-29, Yoshinaka discloses the system relates to a picture data recording apparatus for recording picture data onto a recording medium such as a

magnetic tape or an optical disk, etc., col. 1, lines 7-9. In addition, Yoshinaka discloses the video/audio data and embedded data output from the recording data processing unit 4 are recorded in recording medium 5 and 6, see figure 1 (means for recording the information data embedded with the repetitive additional information data onto an optical information recording medium.)

Response to Arguments

Applicant's arguments filed 01/04/2006 have been fully considered but they are not persuasive.

Page 9 of the remarks, Applicants argue, "Yoshinaka fails to teach or suggest preparing a data frame of the information-data into which the additional information data is to be embedded and embedding the additional information data plural times into the data frame repetitively and separately as recited in the claims." Examiner respectfully disagrees. Yoshinaka clearly discloses these features, figures 1-3, col. 6, lines 28-35, as mention above with respect to claim 21.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D. Hoang whose telephone number is (571) 272-3184. The examiner can normally be reached on Monday-Friday 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TH
Thai Hoang



HANH NGUYEN
PRIMARY EXAMINER